

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

## UTILITY PATENT APPLICATION TRANSMITTAL

Only for new nonprovisional applications under  
37 C.F.R. 1.53(b)

Attorney Docket No.

2386.2003-002

First Named Inventor or  
Application Identifier

Gary M. Lewis

Express Mail Label No.

EL551754701US

Title of  
Invention

MODEM ACTIVITY DETECTION

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages [ 18 ] ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to microfiche Appendix
  - Background of the Invention
  - Summary of the Invention
  - Brief Description of the Drawings
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets [ 6 ] ]  
☐ Formal ☒ Informal  
☐ Fig. of the Drawings for Publication ☐
4. ☒ Oath or Declaration/POA [Total Pages [ 6 ] ]  
 a. ☒ Newly executed (original or copy)  
 b. ☐ Copy from a prior application (37 C.F.R. 1.63(d))  
 (for continuation/divisional with Box 18 completed)  
 [NOTE Box 5 below]  
 i. ☐ DELETION OF INVENTOR(S)  
 Signed statement attached deleting  
 inventor(s) named in the prior  
 application, see 37 C.F.R. 1.63(d)(2)  
 and 1.33(b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
 The entire disclosure of the prior application, from which a  
 copy of the oath or declaration is supplied under Box 4b, is  
 considered as being part of the disclosure of the accompanying  
 application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)  
[ ] Pages
  - c. ☐ Statement verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

8. ☒ Assignment Papers (cover sheet & documents)  
☐ Assignee -
9. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney  
 (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
 (Should be specifically itemized)
14. ☐ Small Entity ☐ Statement filed in prior application,  
 Statement(s) status still proper and desired
15. ☐ Certified Copy of Priority Document(s)  
 (if foreign priority is claimed)
16. ☒ Nonpublication Request (check parent application)
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner:

Group Art Unit:

### 19. CORRESPONDENCE ADDRESS

|         |   |           |                |          |                |
|---------|---|-----------|----------------|----------|----------------|
| NAME    | Leo R. Reynolds, Esq.                   |           |                |          |                |
|         | HAMILTON, BROOK, SMITH & REYNOLDS, P.C. |           |                |          |                |
| ADDRESS | Two Militia Drive                       |           |                |          |                |
| CITY    | Lexington                               | STATE     | MA             | ZIP CODE | 02421-4799     |
| COUNTRY | USA                                     | TELEPHONE | (781) 861-6240 | FAX      | (781) 861-9540 |

|                                       |                            |             |         |
|---------------------------------------|----------------------------|-------------|---------|
| Signature                             | <i>Caroline M. Fleming</i> | Date        | 6/28/01 |
| Submitted by<br>Typed or Printed Name | Caroline M. Fleming        | Reg. Number | 45,566  |

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

|  |                        |               |
|--|------------------------|---------------|
| <b>FEE TRANSMITTAL FOR<br/>PATENT APPLICATIONS</b> | Attorney Docket Number | 2386.2003-002 |
|  | Application Number     |               |
|  | First Named Inventor   | Gary M. Lewis |

CLAIM CALCULATION (includes any preliminary amendment)

| CLAIMS | (1) FOR   | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE   | (5) CALCULATIONS |
|--------|---|------------------|------------------|--|------------------|
|        | TOTAL CLAIMS<br>(37 CFR 1.16(c) or (j))                                     | 13 - 20* =       | 0                | x \$ 18 =  | \$ 0             |
|        | INDEPENDENT CLAIMS<br>(37 CFR 1.16(b) or (i))                               | 4 - 3** =        | 1                | x \$ 80 =  | \$ 80            |
|        | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))                  |                  |                  | + \$ 270 =   | \$               |
|        |   |                  |                  | BASIC FEE<br>(37 CFR 1.16(a) or (h))                               | \$ 710           |
|        |   |                  |                  | Total of above Calculations =                                      | \$ 790           |
|        | Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =      |                  |                  |  | \$               |
|        |   |                  |                  | TOTAL =  | \$ 790           |
|        | Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) = |                  |                  |  | \$               |
|        | Petition for Extension of Time Fee (37 C.F.R. 1.17) =                       |                  |                  |  | \$               |
|        |   |                  |                  | Assignment Recordation Fee =<br>(only when filed with application) | \$ 40            |
|        |   |                  |                  | TOTAL =  | \$ 830           |

\* Reissue claims in excess of 20 and over original patent  
 \*\* Reissue independent claims over original patent

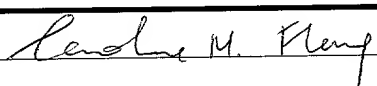
1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$830. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.

4. ☐ Other: \_\_\_\_\_

|                                       |   |             |         |
|---------------------------------------|---|-------------|---------|
| Signature                             |  | Date        | 6/28/01 |
| Submitted by<br>Typed or Printed Name | Caroline M. Fleming   | Reg. Number | 45,566  |

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

|   |                          |               |
|---|--------------------------|---------------|
| <b>NONPUBLICATION<br/>REQUEST AND<br/>CERTIFICATION<br/>UNDER<br/>35 U.S.C. 122(b)(2)(B)(i)</b> | First Named Inventor     | Gary M. Lewis |
|   | Attorney Docket No.      | 2386.2003-002 |
|   | Express Mail Label No.   | EL551754701US |
| Title of<br>Invention   | MODEM ACTIVITY DETECTION |               |

Pursuant to 37 C.F.R. § 1.213(a)(3), I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

The undersigned is an attorney/agent for applicant(s).

6/28/01  
Date

Caroline M. Fleming  
Caroline M. Fleming  
Registration No. 45,566  
Telephone No. (781) 861-6240  
Facsimile No. (781) 861-9540

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after that date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**